Sec'tt. 17.37.—45,000.—15-11-35.

(5)

Home (193) Department.

My SERIES.

G.O. No.	114
DATED	9/1/37

[Despatch Abstract.]

Prosecution - Potail, Kotathattu village, Udipi Taluk, South Kanara district - Sanction of Government, in certain cases, considered unnecessary.

(Communication)
Kota Post
South Kanara

ASSISTANT SECRETARY TO GOVT. REVENUE 9 DEC 1936

Chief Sett

I Revenue No - pl3 - 1 Bldg

9/12.

To
The Chief Secretary
Government of Madras

Bpark 5022
5/12/36
9.12.36.

Madras

Application under section 197 Cr P Code praying for the necessary sanction to prosecute H H R Hande Potail of Kotathattu Village, Udipi Taluk. SK

Sir,

I have the honour to state that there is reason to believe that the above named Patail of Kotathattu Village has accepted gratification for the concerned party for forbearing to do his official act in the exercise of his official functions and thereby rendered disservice to a minor orphan Govinda son of Nagappa now residing in Kotathattu Village

That the complainant above named who is a minor aged about 10 years and orphan, was driving home cattle in the evening of Monday 30th November 1936. One cow strayed into a field of the accused husband and ate some grain plants. Enraged at the chewing of the plants the accused who was closely attached the minor complainant with her scythe - called Kathi and caused a wound about an inch in length on the forehead above the left eye. The complainant is now suffering from serious pain and the consequent fever. The accused is punishable under section 324 IPC and the offence was committed in Kotathattu Village

The Patail of Kotathattu refused to give the necessary report on the plea that the accused resides in Parampally Village. The Patail of Parampally refused to give the report saying that he has no knowledge about the case as the offence was committed in Kotathattu Village.

The complainant has neither the legally constituted guardian nor the means to conduct the prosecution

The Patail has seen the boy with blood flowing from the wound as he was taken to the Kota Dispensary at late evening on the 30th November 1936

He also promised to give the necessary report but later on he refused with the

Res Depot

Village officers -(Sonti Kanara) Udipi Taluk Kotathattu village - Potail - criminal prosecution.

Cro 5622 B/36 From Mr K.S. Karanth B.A.B.L petition dt 5-12-1936.

To AR

Please see the application at pgs 1-2 of praying for sanction of the Govt under section 197 of the Criminal Procedure code to prosecute the potail of Kotathattu village, Udipi Taluk, Sonti Kanara Dt. Under Section 197 Cr.P.C the Sanction of the Govt is necessary for the prosecution of a village headman for offences committed by him in his capacity as a civil or criminal judge within the meaning of section 19 I.P.C. The offence alleged to have been committed by the headman is not an offence committed in his capacity as a civil or criminal judge. The Sanction of the Govt is not, therefore necessary to prosecute the village headman. The petitioner may be informed accordingly. Orders may be issued in the Home Depot. The file may, therefore be transferred to the Home Depot

Res No 5622 B/36
12/12/36

STATE SECRETARIAT 3534D 12 DEC 1936 HOME DEPARTMENT

P.K.
11/12/36

11.12.36

11.12.36

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Home Dept

A.S (~~The offence reported to have been committed by the postal lads not been specified~~)
A draft order is submitted for approval.

ND
6.1.37

JJ
7/1

JV
6/1

5

The petition contains no request to any claim prosecution, though the heading is to that effect, & what the application wants is that the Court should prosecute as he claims that he has no means to do.

The case is a cognizable one & he can if he wishes complain to the police. The order may issue

HG
9.1.

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27/1/37 Date. Initials.

C.F. 16.

DRAFT FOR APPROVAL.

Home Deptt

When received for fair copying ..		
When copied ..		
When examined..	✓	
When signed ..		
When despatched.		

SUBJECT:—

Prosecution

Potail, Kotathattu village Udipi taluk, South Kanara distr - Sanction of Govt. in a certain Case - Considered unnecessary.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. _____ From ~~the~~ M.R.Ry. K.S. Karanth Avl., No. _____, dated 5/12/1936.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ ~~Resolution~~ Ms. ~~Rout.~~ No. 114, dated 9.1. 1937.

The petitioner is informe that the sanction of Govt. i not necessary ~~for~~ to prosecute the potail of Kotathattu village, Udipi taluk, South Kanara district, as the offen alleged to have been committ ~~by the latter~~ ~~by him~~ was not committed ~~by him~~ in his capacity as a ~~Coroner~~ Criminal judg within the meaning of section 19(3)(b) I.P.C.

Recr a for respdt f! See 25/2/84

do

M.R.Ry. K.S. Karanth Avl. B.A. B.L. Advocate, Gundapoor

Copy to the Revn. Deptt.

6.1.37

6/1/37

7/1

9.1.

11/1